

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY****REGION 5****230 SOUTH DEARBORN ST.****CHICAGO, ILLINOIS 60604**

REPLY TO THE ATTENTION OF:

SHE-12**FEDERAL EXPRESS**

January 30, 1987

William W. Falsgraf, Esq.
John F. Hornbostel, Esq.
Counsel for RMI Company
P. O. Box 269
1000 Warren Avenue
Niles, Ohio 44446

Michael A. Cyphert, Esq.
Counsel for Gulf & Western
Thompson, Hine & Flory
1100 National City Bank Building
Cleveland, Ohio 44114

Edward J. Mosek, Esq.
Counsel for Diamond Shamrock
717 North Harwood Street
Dallas, Texas 75201

Re: Fields Brook Site, Ashtabula, Ohio (Draft Consent Order)

Dear Sirs:

Enclosed is a U.S. Environmental Protection Agency draft of a Consent Order for conduct by the potentially responsible parties (PRPs) of remedial investigations and feasibility studies, and the predesign and design of the sediment operable unit. Due to the relatively short time-frame in which the document was prepared and due to uncertainty over all of the effects of the Superfund Amendments and Reauthorization Act of 1986, some revision by the U.S. EPA, as well as that resulting from negotiations with the PRPs and discussions with the Ohio Environmental Protection Agency (OEPA), may be required. However, the draft is considered sufficient to initiate negotiations.

The negotiation meeting should be scheduled through me. If you have any questions, please contact me at 312/886-7240, or Peter Page, Assistant Regional Counsel, at 312/886-6623.

Sincerely,

Kerry Street
CERCLA Enforcement Section

Enclosure

cc: Roger Hannahs, OEPA-CAS
Paul Hancock, OAGO
Rodney Beals, OEPA-NEDO

23 JAN 1987

Express Mail

Mr. William W. Falsgraf, Esq.
John F. Hornbostel, Esq.
Counsel for RMI Company
P.O. Box 269
1000 Warren Avenue
Niles, Ohio 44446

Kenneth C. Moore, Esq.
Counsel for Diamond Shamrock
351 Phelps Court
P.O. Box 2300
Irving, Texas 75061

Mr. Michael A. Gophert, Esq.
Counsel for Gulf & Western
Thompson, Hine & Flory
1100 National City Bank Building
Cleveland, Ohio 44114

23 JAN 1987

Re: Fields Brook Site, Ashtabula, Ohio

Dear Sirs:

This is to provide written confirmation to the negotiating potentially responsible parties (PRPs) that the deadline for completion of negotiations is being extended. Due to the lack of available funding, the statements of work (SOWs) for the predesign and design of the Sediment Operable Unit, and RI/FS activities have been delayed. When the SOWs are completed, the deadline will be reestablished to give some time for technical negotiations. It is expected that funding will occur almost immediately, that the SOWs will be completed by early March. While we are awaiting completion of the SOWs, a draft Consent Order will be provided by the U.S. Environmental Protection Agency by January 30, such that legal discussions can be initiated prior to technical discussions on the SOWs. Once the Consent Order has been provided, a negotiation meeting will be scheduled. This site is still expected to be one of the 175 sites on which remedial actions are occurring by October 17, 1989.

If you have any questions, please contact me at 312/886-7240 or Mr. Peter Page, Assistant Regional Counsel, at 312/886-6623.

Sincerely,

Kerry Street
CERCLA Enforcement Section

cc: Roger Hannahs, OEPA-CAS
Paul Hancocks, OAGO
Rodney Beals, OEPA-NEDO

bcc: Peter Page, ORC
Allen Wojtas, SMS
Kate Sellers, (WH-527)

Service Guarantee:

Domestic mailings under this service made at designated USPS facilities on or before a specified deposit time will be accepted for express shipment to a designated USPS delivery area having Express Mail service for next day delivery to an addressee or agent on or before the time specified by the USPS at mailing. USPS will refund upon application to originating office the postage for any shipments mailed under this service and not meeting the service standard except for those delayed by strike or work stoppage. See chapter 2 of the Domestic Mail Manual for details.

Insurance Coverage:

See section 294 of the Domestic Mail Manual for exclusions of coverage.

(1) *Merchandise Insurance.* Merchandise is insured against loss, damage or rifling up to a maximum of \$500. Indemnity will not be paid for spoilage of perishable items.

(2) *Document Reconstruction Insurance.* Non-negotiable documents are insured against loss, damage or rifling up to \$50,000 per piece subject to a limit of \$500,000 per occurrence.

- Signature is required upon delivery.
- Claims for delay, loss, damage or rifling must be made within 90 days. Claim forms may be obtained at the post office of mailing.
- The Customer Receipt must be presented when a claim is filed.

Customer:

Please tear off this stub and keep it for reference when depositing prepaid Express Mail Next Day Service shipments in Express Mail collection boxes or when giving prepaid Express Mail Next Day Service shipments to Postal Service delivery personnel. Affix the remaining label set to your shipment. For reference, write on this stub the date that the shipment was mailed (if deposited in an Express

Date Mailed:

1/23

Initials:

SR

Mail Collection Box, also initial the stub). Deadlines for deposit for next day delivery differ according to the destination. To ensure next day delivery consult your local Express Mail Directory.

Postal Acceptance Employee:

After completing the "Origin" and "Acceptance" blocks on the mailing label, give this stub to the mailer along with the Customer Receipt copy.

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EXPRESS MAIL
NEXT DAY SERVICE



POST OFFICE TO ADDRESSEE

B 60691876

ORIGIN	Date In:	Postage
Post Office ZIP Code	Time In: A.M. P.M.	\$ _____
Initials of Receiving Clerk	Weight _____ lbs.	Return Receipt Fee \$ _____
ACCEPTANCE		
<input type="checkbox"/> Accepted for next day delivery.		
<input type="checkbox"/> Accepted for this destination after deposit deadline for next day delivery; therefore, for delivery by second day.		Total Postage & Fees \$ _____
<small>(Consult your local Express Mail Next Day Service directory for deposit deadlines for different destinations)</small>		



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- The Customer Receipt must be presented when a claim is filed.

Account Number (if any)
Express Mail Corporate Account No.: _____
Federal Agency Code: _____
FROM:



CUSTOMER RECEIPT

TO:	Telephone Number: _____
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